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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,278	04/23/2001	James Pangerc	0275Y-000357	3325

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EXAMINER

CASTELLANO, STEPHEN J

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 11/05/2002

8

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/840,278

Applicant(s)

PANGERC ET AL.

Examiner

Stephen J. Castellano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 is/are allowed.
- 6) ☒ Claim(s) 14 is/are rejected.
- 7) ☒ Claim(s) 2-13, 16 and 18-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daneshvar in view of Ratcliff.

Daneshvar discloses the invention except for the latches for the inner lids. Ratcliff teaches rotational latch (55) which slides with respect to the plane of the lid when the lid is closed. The latch closes the transparent inner lids. It would have been obvious to modify the inner lids to both have a latch to prevent objects from inadvertently spilling from either the body or cover when the cover is in an open position relative to the body of the container.

Claims 6-8, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daneshvar in view of Ratcliff as applied to claim 6 above, and further in view of Takama.

The combination discloses the invention except for the divider wall. Takama teaches an adjustable divider wall. It would have been obvious to add an adjustable divider wall in order to separate different items stored in the body.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daneshvar in view of Ratcliff as applied to claim 4 above, and further in view of Petruzzi

The combination discloses the invention except for the recessed and extended portions. Petruzzi teaches recessed and extended portions. It would have been obvious to add recessed and extended portions in order to provide stable stacking surfaces to allow the containers to stack more stably.

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Claims 10, 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takama in view of Spencer and Daneshvar.

Takama discloses a base with an adjustable divider. Takama discloses invention except for the recesses portions in the end face and the cover. Spencer teaches a divider (one of the wall portions 101 or one of the floor sections 112) which have recessed portions in their end faces for receiving tabs (on corner sections 102 or dovetail tab portions 204). It would have been obvious to add the recessed portions and corresponding tabs in order to provide a connection between the end of the spacer and the wall it is to be connected to that is stronger and can better resist forces normal to spacer. Daneshvar teaches a cover. It would have been obvious to add a cover in order to protect the container's contents from damage.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takama in view of Spencer and Daneshvar as applied to claim 10 above, and further in view of Ratcliff.

The combination discloses the invention except for the latches for the inner lids. Ratcliff teaches rotational latch (55) which slides with respect to the plane of the lid when the lid is closed. The latch closes the transparent inner lids. It would have been obvious to modify the inner lids to both have a latch to prevent objects from inadvertently spilling from either the body or cover when the cover is in an open position relative to the body of the container.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ratcliff.

Ratcliff discloses the invention except for the raised lip. Raised lips are well known. It would have been obvious to add a raised lip in order to strengthen the inner lid panel to prevent it from buckling and becoming damaged.

Claim 15 allowed.

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Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's arguments with respect to claims 2-13, 16 and 18-21 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is 703-308-1035. The examiner can normally be reached on M-Th 6:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on 703-308-2572. The fax phone numbers for the


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organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

  
Stephen J. Castellano  
Primary Examiner  
Art Unit 3727

sjc  
November 1, 2002